



Legislation Text

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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Law Department)

A BILL ENTITLED

AN ORDINANCE concerning
Eviction Chattels - Foreclosure Chattels

FOR the purpose of deleting certain requirements for certified mail; and clarifying that noncompliance by a landlord or a foreclosure purchaser, as the case may be, with the requirement for notice pending dispossession will cause the court to vacate the warrant of restitution or writ of possession, as the case may be.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 8A-2(c), 8A-3, 8B-2(b), and 8B-3
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 8A. Eviction Chattels

§ 8A-2. Notice of pending dispossession.

(c) How given.

The notice shall be:

(1) mailed [both by certified mail and] by first-class mail with certificate of mailing at least 14 days before the

first scheduled date of execution; and

(2) posted on the premises at least 7 days before the first scheduled date of execution.

(e) Charge for notice.

A landlord may charge the tenant for expenses incurred in providing this notice, up to a maximum of [\$10] \$5.

§ 8A-3. [Postponing] VACATING execution of warrant.

(A) [(b)] By Sheriff.

[The] IF THE SHERIFF REASONABLY BELIEVES THAT THE LANDLORD DID NOT PROVIDE THE TENANT WITH THE NOTICE REQUIRED BY § 8A-2 OF THIS SUBTITLE, THE Sheriff shall [stay the execution of] NOTIFY THE DISTRICT COURT AND MAY NOT EXECUTE the warrant of restitution [for a period of 15 days] UNTIL FURTHER ORDER OF THE COURT [if the Sheriff reasonably determines that the landlord did not provide the notice to the tenant required by § 8A-2 of this subtitle].

(B) [(a)] By District Court.

[The] IF THE DISTRICT COURT FINDS THAT THE LANDLORD DIS NOT PROVIDE THE TENANT WITH THE NOTICE REQUIRED BY § 8A-2 OF THIS SUBTITLE, THE District Court shall [stay the execution of] VACATE the warrant of restitution [for a period of 15 days if the Court finds that the landlord did not provide the notice to the tenant required by § 8A-2 of this subtitle].

(c) Presumption that [notice received] TENANT NOTIFIED.

If the landlord provides a copy of the notice, [a certified mail receipt,] certificate of mailing, and signed affidavit by the person who posted the property, all of which are dated within the proper time periods required by § 8A-2 of this subtitle, there is a REBUTTABLE presumption that the [notice was actually received by the] tenant WAS NOTIFIED.

Subtitle 8B. Foreclosure Chattels

§ 8B-2. Notice of pending dispossession.

(b) How given.

The notice shall be:

(1) mailed [both by certified mail and] by first-class mail with certificate of mailing at least 14 days before the first scheduled date of execution; and

(2) posted on the premises at least 7 days before the first scheduled date of execution.

§ 8B-3. [Postponing] VACATING execution of writ.

(A) [(b)] By Sheriff.

[The] IF THE SHERIFF REASONABLY BELIEVES THAT NEITHER THE SHERIFF NOR THE FORECLOSURE PURCHASER PROVIDED THE OCCUPANT WITH THE NOTICE REQUIRED BY § 8B-2, THE Sheriff shall [stay the execution of] NOTIFY THE CIRCUIT COURT AND MAY NOT EXECUTE the writ of possession [for a period of at least 15 days] UNTIL FURTHER ORDER OF THE COURT [if the Sheriff reasonably determines that the foreclosure purchaser did not provide the notice to the tenant required by § 8B-2 of this subtitle].

(B) [(a)] By Circuit Court.

[The] IF THE CIRCUIT COURT FINDS THAT NEITHER THE FORECLOSURE PURCHASER NOR THE SHERIFF PROVIDED THE OCCUPANT WITH THE NOTICE REQUIRED BY § 8B-2 OF THIS SUBTITLE, THE Circuit Court shall [stay the execution of] VACATE the writ of possession [for a period of at least 15 days if the Court finds that the foreclosure purchaser or the Sheriff did not provide the notice to the occupant required by § 8B-2 of this subtitle].

(c) Presumption that [notice received] OCCUPANT NOTIFIED.

If the foreclosure purchaser provides a copy of the notice, [a certification that the notice was mailed first class and by certified mail (with the certified mail number)] CERTIFICATE OF MAILING, and [a] signed affidavit by the person who posted the property, all of which are dated within the proper time periods required by § 8B-2 of this subtitle, there is a REBUTTABLE presumption that the [notice was actually received by the] occupant WAS NOTIFIED.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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